

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-42 are pending in this application. Claims 3, 20, and 33 were rejected under 35 U.S.C. § 112, second paragraph. Claims 1-2, 4, 8-19, 21, 25-32, and 34-42 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. patent 6,578,047 to Deguchi. Claims 3, 20, and 33 were rejected under 35 U.S.C. § 103(a) as unpatentable over Deguchi in view of U.S. patent 5,686,954 to Yoshinobu et al. (herein "Yoshinobu"). Claims 5-7 and 22-24 were rejected under 35 U.S.C. § 103(a) as unpatentable over Deguchi in view of U.S. patent application publication 2002/0054119 to Dow et al. (herein "Dow").

Addressing first the rejection of claims 3, 20, and 33 under 35 U.S.C. § 112, second paragraph, that rejection is traversed by the present response. Specifically, those claims are amended by the present response to clarify the language therein noted as unclear. The amendments are believed to address the rejections under 35 U.S.C. § 112, second paragraph.

Addressing now the rejection of claims 1-2, 4, 8-19, 21, 25-32, and 34-42 under 35 U.S.C. § 102(e) as anticipated by Deguchi, that rejection is traversed by the present response.

As recognized in the Office Action Deguchi has a common assignee with the instant application. The Office Action notes that the rejection over Deguchi may be overcome by showing under 37 C.F.R. § 1.132 that any invention disclosed but not claimed in Deguchi was derived from the inventors of the present application and thus is not an invention "by another". In response to that position in the Office Action filed with the present response is a Declaration Under 37 C.F.R. § 1.132 making such a statement. The submission of that Declaration is believed to address that rejection under 35 U.S.C. § 102(e) over Deguchi.

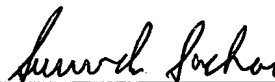
Addressing now the rejections under 35 U.S.C. § 103(a) over Deguchi in view of Yoshinobu and Deguchi in view of Dow, those rejections are also traversed by the present response.

Applicants state herein on the record that the present application and Deguchi were obligated to be commonly assigned at the time of the present application. Thereby, Deguchi is not a valid reference under 35 U.S.C. § 103. Thus, the rejections over Deguchi in view of Yoshinobi and Deguchi in view of Dow are traversed by the present response.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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